

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CHARLES L. ANDERSON, 18577-424,	)	
Plaintiff,	)	
	)	
v.	)	No. 3:09-CV-0099-K
	)	
DELBERT G. SAUERS and	)	
HARLEY G. LAPPIN,	)	
Defendants.	)	

ORDER

After making the review required by 28 U.S.C. § 636(b), the Court finds that the Findings, Conclusions and Recommendation of the Magistrate Judge are correct, and they are adopted as the findings and conclusions of the Court.

Plaintiff's Combined Objections to the Magistrate's Report and Motion for Permission to File a First Amended Complaint, filed on June 26, 2009, are **OVERRULED**.

Under 18 U.S.C. § 3621(b), the Bureau of Prisons ("BOP") may direct confinement of a prisoner in any available facility and may transfer a prisoner from one facility to another at any time. Federal prisoners generally have no constitutional right to placement in a particular penal institution. *Olim v. Wakinekona*, 461 U.S. 238, 245 (1983); *Brown-Bey v. United States*, 720 F.2d 467, 470 (7<sup>th</sup> Cir. 1983).

Further, Plaintiff's motion to amend the complaint is denied as futile. Plaintiff

cannot show a likelihood of success on the merits of his claim that he has a constitutional right to placement in a particular prison facility.

SO ORDERED.

Signed this 1<sup>st</sup> day of July, 2009.

A handwritten signature in black ink, reading "Ed Kinkeade", is positioned above a horizontal line.

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ED KINKEADE  
UNITED STATES DISTRICT JUDGE